

REMARKS

This responds to the Final Office Action mailed on June 24, 2009.

Claims 1, 9, 17, 23, 25, 32, 35, and 50 are currently amended, no claims are currently canceled, claims 2, 6, 18, 21, 22, 24, 28, 31, and 33 were previously canceled, and no claims are currently added; as a result, claims 1, 3-5, 7-17, 19-20, 23, 25-27, 29-30, 32, and 34-57 are now pending and subject to examination in this application.

§ 103 Rejection of the Claims

Claims 1, 4-5, 7-8, 23, 38, 41, 44-45, 47-48, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Evans (5,924,074), and further in view of Kilgore et al. (US 2002/0072911 A1).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821), in view of Evans (5,924,074), in view of Kilgore et al. (US 2002/0072911 A1), and further in view of Walker et al. (US 6,302,844 B1).

Claims 9, 15-17, 19, 39-40, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Evans (5,924,074), in view of Kilgore et al. (US 2002/0072911 A1), and further in view of De Bellis (US 6,760,720 B1).

Claims 10-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821), in view of Evans (5,924,074), in view of Kilgore et al. (US 2002/0072911 A1), in view of De Bellis (US 6,760,720 B1), and further in view of Chesanow ("PDAs for Doctors: Your ticket to fast, flawless prescribing").

Claims 25-27, 29-30, 37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Kilgore et al. (US 2002/0072911 A1), in view of Milner et al. (US 6,339,410 B1), and further in view of De Bellis (US 6,760,720 B1).

Claims 32, 34, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Felsher (US 2002/0010679 A1), in view of Kilgore et al. (US 2002/0072911 A1), in view of Milner et al. (US 6,339,410 B1), and further in view of Evans (5,924,074).

Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. in view of Kilgore et al. (US 2002/0072911 A1), and further in view of view of De Bellis (US 6,760,720 B1).

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Evans (5,924,074), in view of Kilgore et al. (US 2002/0072911 A1), and further in view of Zak et al. (US 2002/0004729 A1).

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Evans (5,924,074), in view of Kilgore et al. (US 2002/0072911 A1), and further in view of Kehr et al. (US 2003/0036683 A1).

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Kilgore et al. (US 2002/0072911 A1), in view of Milner et al. (US 6,339,410 B1), in view of De Bellis (US 6,760,720 B1), and further in view of Evans (5,924,074).

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821) in view of Felsher (US 2002/0010679 A1), in view of Kilgore et al. (US 2002/0072911 A1), in view of Milner et al. (US 6,339,410 B1), in view of Evans (5,924,074), and further in view of De Bellis (US 6,760,720 B1).

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. in view of Kilgore et al. (US 2002/0072911 A1), in view of De Bellis (US 6,760,720 B1), and further in view of Evans (5,924,074).

The Applicant has amended independent claim 1 to recite “wherein activation of at least one of the ergonomic actuators causes automatic search, retrieval and display of medical reference information from a resource inferred and selected based on a type of patient test data associated with a prior user command most recently received at the mobile terminal.” The Applicant has amended the remaining independent claims in a substantially similar fashion.

Prior to this amendment, independent claim 9 recited “wherein one of the ergonomic features provides access to a search engine that searches one or more medical reference databases.” In rejecting claim 9, the Office Action of June 24, 2009, cited column 15, line 66 through column 16, line 31 of the De Bellis reference as disclosing this feature of claim 9. The Applicant respectfully submits that neither De Bellis nor any other reference of record discloses

the currently added feature of a search of a medical reference resource that is “inferred and selected based on a type of patient test data associated with a prior user command most recently received at the mobile terminal.”

The Applicant respectfully submits that the claims are in condition for allowance, and respectfully requests a notice to that effect.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(612) 371-2140

Date October 26, 2009

By /  /
David D'Zurilla
Reg. No. 36,776

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of October, 2009.

CHERYL L. KNAPP

Name

/ Cheryl L Knapp /
Signature